



ATTACHMENT A

Remarks

By this Amendment, independent claim 1 and dependent claim 9 have been amended to further define the invention. It is submitted that the present application is in condition for allowance for the following reasons.

In the outstanding Office Action, independent claim 1 and dependent claims 2 and 5-10 were all rejected under 35 USC § 102 as being anticipated by the Gustavus patent. However, for the following reasons, it is submitted that these claims are allowable over this reference.

As recited in claim 1 and as made clear in the specification, the present invention includes not only a support member, a base, a rung engaging element and a support arm, but also an elongate roof-engaging leg which is opposite to the rung-engaging element. As noted in the specification, the use of the roof-engaging leg enables the present invention to be positioned to one side of the ladder, leaving the rungs of the ladder otherwise unobstructed and available for use. So that the roof-engaging leg can be adjusted to fit whatever roof is encountered and leave the support surface horizontal, no matter the size (thickness) of the ladder or how the rungs are engaged, the roof-engaging leg is adjustably attached to the corresponding lower edge of the base.

In the Gustavus patent, there is disclosed an adjustable platform which is typically positioned over the ladder, and which thus obstructs the ladder. While the platform can be provided adjacent one side of the ladder, so that one of the lower edges 23 of a support wall 14 does engage the roof, this lower edge is not adjustable. This lower edge is not adjustable since the lower edge is also designed to engage the rungs

of the ladder without engaging the roof – that is the lower edge must be spaced from the roof when engaging the rungs. In view of this teaching, which is different from the present invention, it is also not obvious to provide any adjustable member on the lower edge so provided.

Therefore, for the foregoing reasons, it is submitted that amended independent claim 1 including the adjustable roof-engaging leg is neither disclosed nor made obvious by the Gustavus patent. For these same reasons, it is also submitted that claims 2-10 dependent therefrom are also allowable.

In dependent claim 9, it is now further claimed that the lower edges are formed by folding together two side panels having cutouts therein. While it may be that the support walls 14 of the Gustavus patent are formed by folding them down from the flat frame 12, this is now quite different from what is claimed. Therefore, for this additional reason, it is submitted that dependent claim 9 is allowable over the Gustavus patent.

In the Action, dependent claims 2-3 and 4 were rejected as being obvious over the Gustavus patent and further in view of the Garret or Mabie and/or Bitner patents as noted. However, it is submitted that these dependent claims are allowable at least for the same reasons as independent claim 1 from which they depend as discussed above.

For all of the foregoing reasons, it is submitted that the present application is in condition for allowance and such action is solicited.